

EXHIBIT 2

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VOLUME III

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary :MDL NO. 1358 (SAS)
Butyl Ether ("MTBE"):
Products Liability :
Litigation :

In Re:
City of New York

CONFIDENTIAL (Per 2004 MDL 1358 Order)

July 1, 2009

Continued CONFIDENTIAL
Videotaped Deposition of DAVID B. TERRY,
P.G., held in the law offices of
McDermott, Will & Emery, 340 Madison
Avenue in New York, New York, beginning
at approximately 9:34 a.m., before Ann
V. Kaufmann, a Registered Professional
Reporter, Certified Realtime Reporter,
Approved Reporter of the U.S. District
Court, and a Notary Public.

GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph|917.591.5672 fax
deps@golkow.com

Golkow Technologies, Inc. - 1.877.370.DEPS

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1 analysis to determine whether predicted
2 concentrations using the model actually
3 occurred in reality?

4 A. As I said, I don't think
5 I've done a formal post-audit analysis.
6 I have certainly, you know, seen results
7 post-projection in that sense, but that
8 wasn't a formal post-audit as you are
9 describing.

10 Q. With respect to the
11 precision of the estimates that you have
12 made in this case, what precision do you
13 assign to the estimated future
14 concentration of MTBE using Analysis 2
15 for Station 6 wells?

16 A. Well, I think what I'm
17 testifying about here is that the most
18 likely of the scenarios that we
19 developed in Analysis 2 is the 2,000-
20 gallon release scenario, that
21 Analysis 2C.

22 And the reason for that is
23 if you look at the area of capture zone
24 for Station 6, it is approximately 7

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1 because we don't have the data that
2 would allow us to do that.

3 Q. Can you for the jury in
4 this case quantify the precision of your
5 estimates of the future concentration of
6 MTBE in Station 6 wells such that they
7 would know what the upper bound limit is
8 and what the lower bound limit is?

9 A. Well, I think what we did
10 is a range of assessments. We did --
11 and I would say that our Analysis 1
12 assessment represented more of an upper-
13 range estimate and our Analysis 2C was
14 more of a lower range. But they are
15 both, you know, reasonable scenarios.
16 Certainly they're both -- in both cases
17 there could be more mass there than what
18 we've used. But they are reasonable
19 scenarios, so I would use them as a
20 range.

21 Q. With respect to the
22 Analysis 2 that you performed in this
23 case, and specifically the projections
24 in scenario 2C, can you quantify with